

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF ARKANSAS  
FAYETTEVILLE DIVISION

UNITED STATES

PLAINTIFF

V.

CASE NO. 5:19-CR-50094-001

FREDERICK HERROD

DEFENDANT

OPINION AND ORDER

Before the Court are Defendant Frederick Herrod's Motion for Writ of Error Coram Nobis (Doc. 64) and Motion to Dismiss (Doc. 65). Both Motions are **DENIED**.

Mr. Herrod's first Motion invokes the writ of coram nobis. The "error" Mr. Herrod appears to allege as the basis for the writ is this Court's lack of jurisdiction over him because this Court is a foreign state and Mr. Herrod enjoys sovereign immunity under the 11th Amendment. Mr. Herrod's second Motion renews his assertion that this Court does not have jurisdiction over him and states that he does not consent to be sentenced by this Court and must be released and all charges be dismissed. The Eighth Circuit has established that such jurisdictional arguments can be "reject[ed] as meritless." *United States v. Hardin*, 489 F. App'x 984, 986 (8th Cir. 2012) (per curiam); see also *United States v. Hart*, 701 F.2d 749, 750 (8th Cir. 1983) (per curiam) (rejecting as "frivolous" an appeal based on the assertion that the district court lacked jurisdiction "over a sovereign citizen"). The Court finds that, pursuant to 18 U.S.C. §§ 3231 & 3232, it has jurisdiction over Mr. Herrod's violation of the federal criminal laws of which he is convicted in this case and both motions (Docs. 64 & 65) are therefore **DENIED**.

IT IS SO ORDERED this 21st day of February, 2020.

  
TIMOTHY L. BROOKS  
UNITED STATES DISTRICT JUDGE